

REMARKS

In response to the Office Action of December 1, 2004, Applicant respectfully requests reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in allowable condition.

Initially, the undersigned thanks Examiners Jacobs and Mekkee for their courtesies in granting and conducting a telephone interview on February 14, 2005. The substance of that telephone interview is summarized herein.

All of the claims of the present application stand rejected under 35 U.S.C. §103 as purportedly being obvious over Johnson in view of O'Toole and Judge. This rejection is respectfully traversed.

The arguments set forth in the prior response filed on August 23, 2004 are incorporated herein by reference.

The Combination of References Under §103 Is Improper

In the prior response, the independent claims were amended to include limitations that further define the nature of the context management recited in the claims, including defining context management in accordance with the CCOW standard and including context management information relating to a user, a patient and an encounter. These limitations clearly distinguish over Johnson, which does not relate to context sharing of the type recited in the claims.

In response to the amended claims, the newest Office Action adds into the §103 combination the Judge reference because the Examiner apparently believes (incorrectly as discussed below) that Judge discloses the limitations added in the previous amendment. However, the Office Action fails to cite anything of record suggesting why one of skill in the art would have been motivated to combine Johnson, O'Toole and Judge in any way, and also fails to disclose what the Examiner believes the system would look like that one of skill in the art would have been led to based upon the teachings of these three references.

The sole support in the Office Action for modifying the system of Johnson based on Judge states: "Given the teaching of Judge, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson in view of O'Toole by including

a patient context interface in order to provide services to a plurality of application programs in a timely and efficient manner.” (Office Action , page 4).

It is respectfully asserted that this provides no proper basis for combining Johnson with Judge, and does not even attempt to explain what system would result from following the teachings of these references. In this respect, Judge is the only reference relied upon that teaches a sharing of context between applications. Thus, if one of skill in the art were motivated by Judge to implement a context sharing system, that skilled person would have implemented a system in the manner taught by Judge, and would not have incorporated some unspecified features of the Judge system into the totally unrelated system of Johnson.

Judge discloses a context management system that runs on a single desktop and implements context sharing amongst applications running on the same desktop. There is simply nothing in Judge or any of the other references of record to teach or suggest that a context manager be located other than on the desktop running the applications that share the context. Thus, there is no teaching or suggestion for a context manager that manages context over a network.

In view of the foregoing, it is respectfully asserted that the Office Action fails to establish a proper basis for combining the teachings of Johnson, O’Toole and Judge, and further fails to establish a prima facie case of obviousness by failing to explain the nature of the system that would purportedly result from the combined teachings of these references. Therefore, it is respectfully asserted that the rejection of each of the pending claims under 35 U.S.C. §103 as purportedly being obvious over this combination of references is improper and should be withdrawn.

The Claims Patentably Distinguish Over Any Combination
Of Johnson, O’Toole and Judge

While it is a bit difficult to respond to the rejection given that the Office Action does not explain the nature of the system configuration that the Examiner believes one of skill in the art would have been led to based upon the combined teachings of the references, each of the independent claims clearly distinguishes over any combination of these three references, because (at a minimum) Judge does not show all of the limitations added in the prior amended. In this

respect, the Office Action asserts that Judge discloses context management in accordance with the CCOW standard. This is not correct. There is simply no reference to CCOW in Judge, and the nature of context management described therein does not comply with the CCOW standard.

In addition, each of the independent claims recites context management information relating to a patient, a user and an encounter. Judge does not mention context information that includes either user information or encounter information, either at the location cited in the Office Action (col. 2, lines 4-15) or elsewhere.

In view of the foregoing, it is respectfully asserted that each of the claims patentably distinguishes over any combination of Johnson, O'Toole and Judge, such that the rejection of all of the claims under §103 as purportedly being obvious over this combination of references should be withdrawn.

Request for Interview

As the undersigned has on several occasions informed the Examiners, the Applicant is interested in expediting allowance of the application, and working with the Examiners to find allowable subject matter. During the telephone interview, the Examiners indicated that they were skeptical as to the patentability of any subject matter described in the present application, such that if Applicant desired to continue to pursue this application, an appeal would be advisable.

The undersigned requests that the Examiners reconsider their position in view of this paper. It is respectfully asserted that this application is simply not in condition for appeal, as the rejection is fatally deficient in several ways, including in providing any clear indication as to what one of skill in the art would have purportedly been led to implement based upon the teachings of the art, and in failing to disclose several limitations in each of the independent claims.

In view of the importance of this application, the undersigned requests the granting of an interview before issuance of a new action. The client is considering having an in person interview, and the undersigned will be contacting the Examiner to discuss the same.

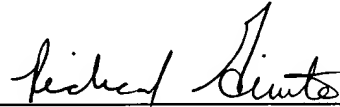
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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